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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 RIGHTHAVEN LLC,

11 Plaintiff,

12 v.

13 CHARLES W. JOHNSON, *et al.*,

14 Defendants.
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Case No. 2:10-CV-01534-KJD-PAL

ORDER

16 Plaintiff's Complaint (#1) was filed September 9, 2010. Service of the summons and
17 complaint was executed on Defendant Charles W. Johnson on September 23, 2010. Defendant
18 Johnson's answer was due on October 14, 2010. However, Defendant Johnson has failed to answer
19 or otherwise respond to the complaint. Therefore, Plaintiff is ordered to file a status report, motion
20 for default judgment, or notice of voluntary dismissal as to Defendant Johnson no later than January
21 31, 2011.

22 Federal Rule of Civil Procedure 4(m) requires service of summons and complaint to be made
23 upon a defendant 120 days after the filing of the complaint. The 120 day time period for effecting
24 service of the summons and complaint upon Defendant Rad Geek Enterprises expired no later than
25 January 7, 2011. Plaintiff has not yet filed proof of service.

26 Accordingly, IT IS HEREBY ORDERED that Plaintiff shall have up to and including

1 January 31, 2011 to file proof of service of the summons and complaint upon Defendant Rad Geek
2 Enterprises within the allowed time. If Plaintiff fails to respond or to file proof of service, the Court
3 will dismiss the complaint against Defendant Rad Geek Enterprises without prejudice in accordance
4 with Federal Rule of Civil Procedure 4(m).

5 **IT IS SO ORDERED.**

6 DATED this 11th day of January 2011.

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10 Kent J. Dawson
United States District Judge
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